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SEC

SERVICE DATE - APRIL 25, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34192

HI TECH TRANS, LLC, ET AL.–PETITION FOR DECLARATORY ORDER–  
HUDSON COUNTY, NJ

Decided: April 24, 2002

On April 4, 2002, Hi Tech Trans, LLC (Hi Tech), a licensed agent of the Canadian Pacific Railway, filed a petition seeking a declaratory order that the Board's authority over its rail-related activities preempt New Jersey state law and local ordinances requiring Hi Tech to use a single, designated truck-to-truck solid waste facility when hauling construction and demolition debris and contaminated soils. Replies were due April 24, 2002.

By a letter filed on April 22, 2002, Hudson County Improvement Authority (HCIA) requests an extension of time to file its reply until May 6, 2002. HCIA maintains that Hi Tech's petition contains numerous factual errors and thus that HCIA needs more time to respond. By a letter filed on April 23, 2002, the New Jersey Department of Environmental Protection (NJDEP) also requests an extension of time to file a reply until May 6, 2002, noting that Hi Tech is seeking to nullify certain New Jersey statutes and ordinances regarding solid waste management and disposal. NJDEP states that it spoke with counsel for Hi Tech and that Hi Tech has no objection to its extension request.

The requests to extend the due date for a reply to Hi Tech's petition for declaratory order are reasonable and will be granted.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The due date for HCIA and NJDEP to file replies is extended to May 6, 2002.

2. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary